

REMARKS

By this response, Applicants have added claims 44-47. As a result, claims 24-47 are pending in this application. Reconsideration in view of the following remarks is respectfully requested.

Initially, Applicants thank the Examiner for his time and courtesy in conducting a telephone interview with Applicants' undersigned representative on 6 September 2007. During the telephone interview, the rejection of claim 24 was discussed, particularly with respect to the Examiner's interpretations of the teachings of U.S. Patent No. 6,816,270 (Cooper). No exhibits were presented and no agreement was reached as a result of the interview. The substance of the interview is included in the following remarks.

In the Final Office Action, the Office rejects claims 24-28, 30-39, and 41-43 under 35 U.S.C. § 102(e) as allegedly being anticipated by Cooper. In order to establish a *prima facie* case of anticipation, the Office must show that Cooper describes each and every element as set forth in the claim. MPEP § 2131. Since the Office fails to show that Cooper describes each and every element of the claimed invention, Applicants respectfully request withdrawal of this rejection.

For example, with respect to claim 24 and as discussed in the telephone interview, the Office fails to show that Cooper describes previewing a document by generating a print file, transmitting the print file over a network, and receiving image data based on the transmitted print file as in claim 24. In Cooper, a preview is generated by first storing a print job in a device independent format (DIF). See, e.g., Cooper, col. 5, lines 52-54; FIG. 4, 404; FIG. 6, 602. A DIF file "is a file that is independent on the operating system in which the data is to be printed.

Examples of DIF files include HTML files, PGML files, and other standard meta files. Device independent format file 404 is a metafile in the depicted example.” Cooper, col. 5, lines 55-60. Subsequently, a print preview is displayed using the DIF file. Cooper, col. 7, lines 21-24; FIG. 6, 606-608. If the job is to be printed, it is sent to the selected platform for printing. Cooper, col. 7, lines 53-62; FIG. 6, 622; FIG. 4, 426. The selected platform includes a driver for converting the job to a postscript, PCL, or raster format for printing. Cooper, FIG. 4, 420, 422, 424.

In contrast to claim 24, Cooper does not teach or suggest receiving image data that is based on a transmitted print file. As discussed above, Cooper generates a preview using a DIF file. When it is to be printed, the DIF file is sent to the platform where it is converted to a postscript, PCL, or raster format. As a result, Cooper expressly discusses generating a preview based on something other than a print file and only generating the print file when the document is to be printed, which occurs after any preview of the document. In claim 24, previewing the document includes displaying image data that is based on a print file generated based on the document.

In response to Applicants’ previous arguments, the Office “asserts that Cooper teaches the idea of previewing the image data that can be generated from data received from the server”. Final Office Action, p. 6. Even if, *arguendo*, the Office’s assertion is correct, Applicants note that Cooper still fails to disclose receiving image data that is based on a transmitted print file on a client over a network as in claim 24. To this extent, should the Office maintain its interpretation of Cooper, Applicants respectfully request that the Office discuss with more

particularity the alleged support in Cooper for receiving *image data* that is *based on a transmitted print file* as in claim 24, rather than just “data” as asserted by the Office.

During the telephone interview, the Examiner indicated that since Cooper teaches the selection of a driver, Cooper implicitly teaches generation of a print file in order to perform the print preview. However, as Applicants have outlined above, the express teachings of Cooper do not support such an interpretation. Further, the only interaction between Cooper’s intelligent printer driver 402 and printer device layer 426 during a print preview that is discussed in Cooper is a query to determine whether the actual platform driver supports the N up function. Cooper, col. 6, lines 39-50. Applicants note that such a query does not result in the generation of a print file as in claim 24.

In light of the above reasons, either alone or in combination, Applicants respectfully submit that the Office again fails to show that Cooper describes each and every feature of the claimed invention. As a result, Applicants respectfully request withdrawal of the rejection of claim 24 and claims 25-31, which depend therefrom, as allegedly being anticipated by Cooper.

With respect to independent claims 32 and 36, Applicants note that the Office relies on its rejection of claim 24. To this extent, Applicants herein incorporate the arguments presented above with respect to claim 24. As a result, Applicants respectfully request withdrawal of the rejections of claims 32 and 36 as well as claims 33-35 and 37-43, which respectively depend therefrom, as allegedly being anticipated by Cooper.

With further respect to claim 43, Applicants respectfully submit that the Office again fails to show that Cooper describes program code for transmitting a print file, which comprises a postscript file, over a network as part of previewing a document as in claim 43. In support of its

rejection, the Office cites FIG. 4 of Cooper. Applicants note that the only mention of “postscript” with respect to FIG. 4 is in platform postscript driver 420, which is included as part of printer device layer 426. Applicants note that Cooper does not include any discussion of postscript driver 420 transmitting a postscript file over a network as part of previewing a document. Further, Applicants note that the printer device layer 426 is only queried during the preview operation of Cooper as discussed above. Cooper, col. 6, lines 39-50.

In response to Applicants’ previous arguments, the Office

asserts that Cooper teaches the use of transmitting Postscript driver over the network... fig. 4, depicts how data is received from the printer which could be of different format including Postscript and col. 8, lines 37-47 describes how the driver can be send to the client over the network in case the client does not have the a driver such as a Postscript.

Final Office Action, pp. 6-7. Initially, Applicants note that the Office apparently misinterprets the invention of claim 43. In particular, claim 43 is directed to generating and transmitting a postscript file as part of previewing a document, not a postscript driver as discussed by the Office. Further, Applicants note that neither FIG. 4 nor col. 8, lines 37-47 of Cooper describes the receipt of any data from the printer device layer 426 as part of previewing a document. In contrast, as discussed above, Applicants note that the printer device layer 426 is only queried during the preview operation of Cooper. Cooper, col. 6, lines 39-50.

As a result, Applicants again respectfully request withdrawal of the rejection of claim 43 as allegedly being anticipated by Cooper. Alternatively, should the Office maintain its rejection, Applicants respectfully request that the Office further clarify how Cooper allegedly describes program code for transmitting a print file, which comprises a postscript file, over a network as part of previewing a document.

By this amendment, Applicants have added claims 44-47 for consideration by the Office. Applicants respectfully submit that each of these claims is allowable over the art of record as presented.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

John W. LaBatt, Reg. No. 48,301
Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile

Dated: 13 September 2007